

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-CV-783-FDW-DCK

JAMESON C., a minor, by next friend)
STEVEN BOLCH; SARA M., LEAH M.,)
HARRY M., minors by next friend KARI)
DANFORTH; MEGAN S. and CHLOE S.,)
minors, by next friend DARIA)
BARAZANDEH; ANNIE W., JUSTIN B.,)
MORGAN G., minors, by next friend)
VERONIKA MONTELEONE, and on)
behalf of all others similarly situated,)
Plaintiffs,)
v.)
ROY COOPER, in his official capacity as)
the Governor of North Carolina, NORTH)
CAROLINA DEPARTMENT OF HEALTH) **DEFENDANTS GASTON COUNTY**
AND HUMAN SERVICES, KODY) **AND THE GASTON COUNTY**
KINSLEY, in his official capacity as the) **DEPARTMENT OF SOCIAL**
Secretary of the North Carolina Department) **SERVICES' MOTION TO DISMISS**
of Health and Human Services, SUSAN)
OSBORNE, in her official capacity as)
Assistant Secretary of County Operations of)
the Division of Social Services, MARK)
PAYNE, as the Director of the Division of)
Health Service Regulation,)
MECKLENBURG COUNTY,)
MECKLENBURY COUNTY)
DEPARTMENT OF SOCIAL SERVICES-)
YOUTH AND FAMILY SERVICES,)
GASTON COUNTY, and GASTON)
COUNTY DEPARTMENT OF SOCIAL)
SERVICES,)
Defendants.)

)

Defendants Gaston County and the Gaston County Department of Social Services

(“Gaston County”), pursuant to Fed. R. Civ. P. Rule 12(b)(1) and 12(b)(6) and Local Rule 7.1, hereby submit the following Motion to Dismiss. Gaston County and the Gaston County Department of Social Services respectfully request that the Court dismiss Plaintiffs’ Complaint against them in its entirety. In support of their Motion, Gaston County and the Gaston County Department of Social Services submit their Memorandum of Law being filed contemporaneously with this Motion.

This the 10th day of October, 2024.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

BY: /s/ J. Matthew Little
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*Attorneys for Defendants Gaston County and the
Gaston County Department of Social Services*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

This the 10th day of October, 2024.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

BY: /s/ J. Matthew Little
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